

REMARKS

This Reply is responsive to the office action of July 22, 2009, (hereinafter "Office Action") which imposes a restriction requirement. Applicant hereby elects group I claims, claims 1-18 and 36-38 for prosecution in this application, with traverse. The Office Action, page 2, alleges:

- Group I claims (claims 1-18 and 36-38, are drawn to a method for transmission of depacketized bits, classified in class 455, subclass 91;
- Group II claims (claims 19-35, are drawn to a system and method for packetizing depacketized bits, classified in class 455, subclass 130; and
- Group III claims, (claims 39-44) are drawn to a system for transmitting and receiving depacketized bits, classified in class 455, subclass 73.

Applicant respectfully disagrees with this characterization of the claims at least to the extent that it may suggest that these three groups of claims are necessarily directed to mutually independent, distinct or exclusive kinds of subject matter. That is not the case. Rather, all claims can be read on Fig. 1 of the application and are directed to common, related and/or overlapping subject matter.

Group I: Claim 1:

Consider claim 1, in Group I, for example, which recites, *inter alia*:

an interface unit that includes a plurality of ports configured to connect to a plurality of user devices, the interface unit being configured to:

receive one or more analog signals from a user device of the plurality of user devices via a port of the plurality of ports,
generate a packet from the one or more analog signals, and

- transmit the packet; and
- a radio unit configured to:
 - receive the packet,
 - convert the packet to a depacketized radio signal representing only extracted payload bits, and
 - transmit the depacketized radio signal representing only extracted payload bits over a radio channel.

(emphasis added) Claim 1 recites subject matter operating in outbound communication mode, from left to right, as shown in Fig. 1. As shown by the claim language generate a packet from the one or more analog signals, a packet is generated from the analog signal. In order to generate a packet from an analog signal, the analog signal must first be converted to a digital signal to provide the kind of signal capable of being packetized. The digital signal is then packetized. See Specification, paragraphs [0031], [0032]. This describes packetizing depacketized bits, which the Examiner classifies as a Group II claim. Thus, there is overlap between Group I and Group II claims.

Group I, Claim 36:

In addition, the Examiner, by way of the instant Office Action, also places claim 36 in Group I. Claim 36 recites, *inter alia*:

- a first interface unit that includes a plurality of first ports configured to connect to a plurality of first user devices, the first interface unit being configured to:
 - receive one or more first analog signals from a first user device of the plurality of first user devices via a first port of the plurality of first ports,
 - generate a first packet from the one or more first analog signals, and
 - transmit the first packet;
- a first radio unit configured to:
 - receive the first packet,
 - convert the first packet to a first depacketized radio signal representing only extracted first payload bits, and
 - transmit the first depacketized radio signal representing only extracted first payload bits over a first radio channel;
- a second radio unit configured to:
 - receive one or more second depacketized radio signals representing only extracted second payload bits,

generate a second packet from the one or more second depacketized radio signals representing only extracted second payload bits, and
transmit the second packet; and
a second interface unit that includes a plurality of second ports configured to connect to a plurality of second user devices, the second interface unit being configured to:
receive the second packet,
convert the second packet to a second analog signal, and
output the second analog signal to a second user device of the plurality of second user devices via a second port of the plurality of second ports.

(emphasis added) Claim 36 recites subject matter operating in both outbound communication mode (left to right) and inbound communication mode (right to left), as shown in Fig. 1. Clearly, claim 36 recites transmitting a depacketized radio signal and receiving a depacketized radio signal but such an operation is ascribed by the Examiner to Group III claims. Thus, there is overlap between Group I and Group III claims.

Therefore, Applicant has shown overlap between Group I claims and Group II claims and between Group I claims and Group III claims wherefore all claims are related, and not independent or distinct. Applicant thus respectfully disagrees with the Examiner's statement "Inventions I, II and III are unrelated." (Office Action, pg 2)

Moreover, MPEP 806.06 offers examples of independent inventions, and those examples (*an article of apparel compared with a locomotive bearing; a process of painting a house compared with a process of boring a well*) illustrate the kinds of salient differences intended by the MPEP to be interpreted by an Examiner as independence between inventions. In this instance, in view of the above and particularly where ALL CLAIMS READ ON THE SAME FIG. 1, it should be clear that the MPEP 806.06 guidance suggests that these claims cannot be correctly interpreted as being mutually independent.

Further, under MPEP 803, it says that if search and examination can be made without serious burden, the examiner must examine all of the claims on the merits even though they

include claims to independent or distinct inventions. As noted above, these claims are not even independent of each other in the first place. Moreover, no serious burden exists here anyway, as shown by the prosecution history. The first office action was issued on June 15, 2006, over three years ago which was followed by at least two other substantive office actions not counting the instant Office Action. All searching and examination that preceded this instant Office Action had been undertaken with respect to all pending claims without any previous expression of a searching or an examination burden. If not a burden then, it is not a burden now.

Moreover, MPEP 803.01 emphasizes the importance of not issuing multiple patents for the same invention: "IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION." (Capitalized emphasis in the original). Applicant respectfully suggests that the Examiner kept this guidance in mind when reconsidering this restriction issue.

For these reasons, Applicant respectfully requests withdrawal of this restriction requirement and continued examination of claims 1-44 in this instant application.

CONCLUSION

Reconsideration and allowance are respectfully requested based on the above amendments and remarks.

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 508-625-1323

To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. Please charge any other fees due, or credit any overpayment made to that account.

Respectfully submitted,

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